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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/736,136

12/15/2003

Daniel S. McPherson

MCP-1

3689

29698

7590

06/10/2005

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EXAMINER

NGUYEN, JOHN QUOC

ART UNIT

PAPER NUMBER

3654

DATE MAILED: 06/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/736,136

Applicant(s)

MCPHERSON, DANIEL S.

Examiner

John Q. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/18/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3 and 10 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For clarity and/or definiteness, it appears that –to said base—should be inserted after “bolts” (claim 3, line 2).

It appears that claim 10 should depend from claim 7; for this Office action, this will be assumed.

All claims should be revised carefully to correct all other deficiencies similar to the ones noted above.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 6 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Marcell (US-3974980).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

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the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 5, 7-11, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marcell (US-3974980) in view of Marcell (US-3729092).

Marcell '092 discloses another similar apparatus in which eyebolts 3 are used to attach to the base and lines are made of suitable cord or rope which are usually polymeric. A swivel hook/ring 4 with a clasp hook and D ring is used. It would have been obvious to a person having ordinary skill in the art to alternatively provide the apparatus of Marcell '980 with eyebolts to attach to the base to reduce costs since they are widely available at low costs and to support heavier loads, with polymeric lines for reasons of wide availability and low costs, and with a swivel hook/ring to reduce costs as these are widely available commercially. The portion of wire guide 22 of Marcell '980 in the channel 23 can be considered a washer since it has an opening and is rotatably mounted between the hook 25 and element 14 to which the lines 11 are connected; that it is a washer would have been an obvious matter of design choice to a person having ordinary skill in the art based on factors such as ornamental preference, design criteria (to withstand a desired load), space optimization, and costs (washers are readily commercially available at low costs). Therefore, when the swivel hook/ring of Marcell '092 is substituted, it would have been obvious to a person having ordinary skill in the art to provide a rotatable ring/washer between the hook and the element to which the lines are connected to rotatably support the feed loop 24.

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Claim 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Marcell in view of Marcell as applied to claims 3, 5, 7-11, and 13 above, and further in view of Noffke (US-3017136).

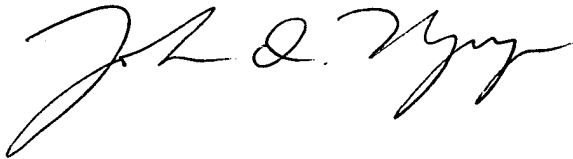
Noffke discloses another similar apparatus in which chains 18 are used to connect to the base. It would have been obvious to a person having ordinary skill in the art to alternatively provide the apparatus of Marcell modified as above with chains to connect to the base so that a heavier load can be supported. That the guide-line is also constructed of a metal chain would have been an obvious matter of design choice to a person having ordinary skill in the art based on factors such as ornamental preference, design criteria (to support a heavier load), space optimization, and costs (readily available commercial chains cost less).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Q. Nguyen whose telephone number is (571) 272-6952. The examiner can normally be reached on Monday, Tuesday, Thursday, and Friday, from 7:00 AM to 4:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Matecki, can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "J. Q. Nguyen". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

John Q. Nguyen
Primary Examiner
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